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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,928	07/10/2001	Kemal Guler	10014417	9251

7590   10/11/2006

HEWLETT-PACKARD COMPANY
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EXAMINER
OYEBISI, OJO O

ART UNIT	PAPER NUMBER
3692	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-8,10-16 and 18-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-8, 10-16, and 18-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

In the amendment filed 07/10/06, the following have occurred: claims 2-7, 10-16, and

18-24 have been amended, claims 1,9, and 17 have been cancelled, and claims 2-8,

10-16, and 18-24 remain pending in the patent application. Further, the amendment has

necessitated the withdrawal of the objection to the specification, and the terminal

disclaimer filed has necessitated the withdrawal of Double Patenting Rejection.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2.   Claims 3, 5, 6, 11-14, 19, and 21-22 are rejected under 35 U.S.C. 102(e) as

being anticipated by Seymour et al (Sey hereinafter, US PAT: 6,871,190).

Re claim 6. Sey discloses a method for determining a reserve price for a market, said

method comprising the steps of: selecting characteristics of said market (see col.5, lines

31-36, also see abstract); selecting a relevant bidding model (i.e., generating a bidding

and selling strategy, see col.2 lines 30-60, also see col.6 lines 55-67); estimating a

structure of said market (see col.4, lines 30-49 and col.5 lines 11-15); predicting a

bidding behavior (i.e., recommendations to the seller and/or bidder regarding how to bid

and/or sell is based on a prediction of the bidding behavior of the various bidders, see

col.5 lines 7-20); predicting a first outcome of said market (i.e., the input data is

transmitted to the processing unit of the seller site terminal and the optimum type of

auction together with the optimum value of the reserve bid price for sale of such

merchandise is determined......., see col.6, lines 56-59); evaluating said first outcome of

said market (i.e., the input data is transmitted to the processing unit of the seller site

terminal and the optimum type of auction together with the optimum value of the reserve

bid price for sale of such merchandise is determined......., see col.6, lines 56-59. Note

that to determine the optimum reserve price, the data regarding the auction including

the seller, bidders and merchandise is used to evaluate and analyze what the predicted

outcome would be for each auction format), receiving a second user input, wherein said

second user input comprises: an evaluation criterion (see col.4 line 67, col.6, lines 56-

59, the evaluation criteria that is used to determine the optimum type of auction is based

on an evaluation of the profit generated or loss incurred); a candidate reserve price; and

a constraint (see col.6 lines 56-59); receiving said estimated structure (i.e., bid criteria,

see fig.4 element 104); receiving said bidding behavior prediction for said candidate

reserve price (see col.5 lines 7-15), wherein said bidding behavior prediction further

comprises a prediction under said constraint (see col.5 lines 7-15); obtaining a value of

said evaluation criterion (see col.4 line 67, col.6, lines 56-59, the evaluation criteria used

to determine the optimum type of auction is based on an evaluation of the profit

generated or loss incurred), wherein said value is based on said - said constraint, said

value comprising said first predicted outcome; and outputting said value (see col.6, lines

63-67, discussion of a display screen and customer confirmation), and evaluating said

first outcome of said market (i.e., See Seymour, Col. 6, lines 56-59, "The input data is

transmitted to the processing unit of the seller site terminal and

the optimum type of auction for sale of such merchandise is determined (e.g., Sealed

bid, Vickery, English or Dutch)." In order to determine the optimum auction format the

data regarding the auction including the seller, bidders and merchandise is used to

evaluate and compare what the predicted outcome would be for each auction format

(e.g. Sealed bid, Vickery, English or Dutch).

Re claims 14 and 22. Claims 14 and 22 recite similar limitations to claim 6, and thus

rejected using the same art and rationale in the rejection of claim 6.

Re claim 3. Sey discloses the method, wherein said selecting a relevant bidding model

step further comprises the steps of: receiving said auction characteristics data (see

col.5, lines 29-26); accessing a database (see col.5, lines 21-25. Note that data

gathering exercises are disclosed, thus database is accessed to retrieve the said data);

retrieving from said database a relevant bidding model (i.e., series of bidding and selling

strategies are then generated for each type of auction type, see col.4, lines 49-51)

wherein said bidding model is selected based on a corresponding relevance of said

auction characteristics data (see col.5, lines 11-15. Note that input data is processed

and used to determine the optimum values for the reserve bid price and for starting bid

price); and outputting said relevant bidding model (i.e., the optimum values for the

reserve bid price and for the starting bid price are displayed for the seller, see col.6 lines

56-65).

Re claim 5. Sey discloses the method, wherein said bidding model has embedded an unknown structure, and wherein said predicting a bidding behavior step further comprises the steps of: receiving said estimated structure (i.e., bid criteria, see fig.4 element 104); receiving said relevant bidding model (i.e., series of bidding and selling strategies are then generated for each type of auction type, see col.4, lines 49-51); substituting said estimated structure for said unknown structure (see col.4 lines 30-45); and outputting a prediction of bidding behavior (i.e., recommendations to the seller and/or bidder regarding how to bid and/or sell is based on a prediction of the bidding behavior of the various bidders, see col.5 lines 7-20).

Re claim 11. Claim 11 recites similar limitations to claim 3, and thus rejected using the same art and rationale in the rejection of claim 3.

Re claim 13. Claim 13 recites similar limitations to claim 5, and thus rejected using the same art and rationale in the rejection of claim 5 above.

Re claim 19. Claim 19 recites similar limitations to claim 3, and thus rejected using the same art and rationale in the rejection of claim 3.

Re claim 21. Claim 21 recites similar limitations to claim 5, and thus rejected using the same art and rationale in the rejection of claim 5.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over of Seymour et al (Sey hereinafter, US PAT: 6,871,190) in view of Rackson

et al (Rackson hereinafter, US PAT: 6,415,270)

Re claim 2. Sey discloses the method, wherein said selecting characteristics step

further comprises the steps of: receiving a first user input, wherein said first user input

comprises information identifying an item to be auctioned (see col.6, lines 42-60);

accessing a database (see col.5 lines 21-25, note that data gathering exercises are

disclosed, thus database is accessed to retrieve the data); retrieving from said database

auction characteristics data (see col.5 lines 29-36). Sey fails to explicitly disclose

retrieving from said database historical bids data; wherein said auction characteristics

comprise information relating to historical auctions of similar items; outputting said bids

data; and outputting said auction characteristics data. However, Rackson discloses

retrieving from said database historical bids data (i.e., historical items of similar items

sold from either an internal database or data retrieved from remote auction service; see

Rackson col.24 lines 30-67) and outputting said bids data (i.e., the historical data may

be displayed showing the normal distribution of final bids based on the strategies used

or upon the condition of the item, see Rackson col.24 lines 45-57) and outputting said

auction characteristics data (i.e., the historical data may be displayed showing the

normal distribution of final bids based on the strategies used or upon the condition of

the item, see Rackson col.24 lines 45-57). Thus, it would have been obvious to one of

ordinary skill in the art to combine Sey and Rackson to determine the optimal selling

parameters to be applied to the items that are being offered.

Re claim 10. Claim 10 recites similar limitations to claim 2, and thus rejected using the

same art and rationale in the rejection of claim 2.

Re claim 18. Claim 18 recites similar limitations to claim 2, and thus rejected using the

same art and rationale in the rejection of claim 2.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 4, 7, 8, 12, 15, 16, 20, and 23-24 are rejected under 35 U.S.C. 103(a) as

being unpatentable over of Seymour et al (Sey hereinafter, US PAT: 6,871,190).

Re claim 4. Sey further discloses the method, wherein said estimating step further

comprises the steps of: receiving said relevant bidding model (see col.4, lines 49-51);

receiving said bids data (see col.5, lines 21-25); estimating an estimated latent structure

of said market (see col.4, lines 30-49 and col.5 lines 11-15). Sey does not explicitly

disclose expressing unobservable variables in terms of observable bids; wherein said

estimating comprises application of statistical density estimation techniques to obtain

said estimated structure; and outputting said estimated structure. However, it is old and

well-known in the fields of mathematics, economics and statistics to use the above

mentioned methodologies i.e., express unobservable variables in terms of observable

bids; create sample of the data; make estimates/assumptions about the market; and

report/generate an output of the results, for the purpose of using historical data,

reasonable assumptions to make predictions/estimations about the future (e.g.,

economic forecast). Thus, it would have been obvious to one of ordinary skill in the art

to modify Sey to include what is old and well known in the art for the purpose of

estimating the structure of said market based on the historical data on record.

Re claim 7. Sey discloses the method, wherein said evaluating said first outcome step

further comprises the steps of: receiving a third user input, wherein said third user input

comprises a plurality of candidate reserve prices see col.6, lines 56-59, Sey input

interface can accommodate more than one user)); receiving a predicted outcome for

each said candidate reserve price (see col.7 lines 15-20). Sey does not explicitly

disclose calculating descriptive statistics for each said candidate reserve price, wherein

said descriptive statistics comprise a mean and a variance; ranking each said candidate

reserve price with respect to said calculated mean and generating corresponding

rankings for said plurality; and outputting said descriptive statistics and said rankings.

However, it is old and well known in the fields of mathematics and statistics/economics

to use methodologies disclosed hereinabove for the purpose of comparison and

decision-making (e.g., product purchase decisions; evaluating business opportunities

etc). Thus, it would have been obvious to incorporate what is old and well known in Sey

for the purpose of evaluating an auction format/reserve prices, comparing different

reserve prices and ultimately making a decision about the optimal reserve price.

Re claim 8. Sey discloses the method, further comprising the steps of: selecting a best

reserve price, wherein said best reserve price comprises the candidate reserve price

within said plurality having the highest said ranking; and outputting said best reserve

price (see col.6 line 55 through col.7 lines 20).

Re claims 12 and 20. Claims 12 and 20 recite similar limitations to claim 4, and thus

rejected using the same art and rationale in the rejection of claim 4.

Re claims 15 and 23. Claims 15 and 23 recite similar limitations to claim 7, and thus

rejected using the same art and rationale in the rejection of claim 7.

Re claim 16. Claim 16 recites similar limitations to claim 8, and thus rejected using the

same art and rationale in the rejection of claim 8.

Re claim 24. Claim 24 recites similar limitations to claim 8, and thus rejected using the

same art and rationale in the rejection of claim 8.

Response to Arguments

Applicant's arguments filed 07/10/06 have been fully considered but they are not

persuasive. The applicant argues in substance that the cited prior art of record,

Seymour, fails to teach or suggest the limitations "predicting a first outcome of said

market; wherein said predicting a first outcome comprises the steps of...obtaining a

value of said evaluation criterion, wherein said value is based on said estimated

structure, said bidding behavior prediction, said candidate reserve price, and said

constraint, said value comprising said first predicted outcome; and outputting said

value." It is noted that the applicant's disclosure describes the interrelationship between

the bidding behavior, auction format and outcome. Thus, in order to determine the

optimum auction format the data regarding the auction including the seller, bidders and

merchandise is used to evaluate and compare what the predicted outcome would be for

each auction format (e.g. Sealed bid, Vickery, English   or Dutch). Based on this fact,

Seymour teachings clearly reads on the aforementioned limitations (please see

Seymour " The seller activates the on-line auction facility on his computer terminal 42 by

clicking on the appropriate icon on his screen 44 (Step 200). The seller is first

requested to input whether he wishes to bid or to sell and selects the sell icon displayed

on the screen 44 (Sep 202). A sell template appears on the screen 44 into which the

seller must enter information via the keyboard 46 concerning the car he wishes to sell,

such as the manufacturer, the model type, the year of manufacture, the minimum price

that he is prepared to accept for the car and details of when the auction is to take place

(Step 204). It should be understood that other information concerning the car to be sold

can also be input as desired and that the information entered by the seller will vary in

accordance with the merchandise to be sold. The input data is transmitted to the

processing unit 50 of the seller site terminal 42 and the optimum type of auction for sale

of such merchandise is determined (e.g. Sealed bid, Vickery, English or Dutch) by the

selling strategy generator 54, together with optimum values for the reserve bid price Rp

and for the starting bid price Sp, if an English or Dutch type auction has been

determined as the optimum auction type (Step 206). The optimum reserve Rp (and

starting Sp) bid prices calculated and the auction type to be conducted are displayed on

the screen 44 and the seller is requested to confirm agreement with these strategy

parameters and that the specific selling strategy generated should be implemented

(Step 208A). On confirmation of agreement with the reserve (and starting) bid prices

and to the implementation of the generated selling strategy, the seller agent 56 is

generated by the processing unit 50 of the seller site 40 (Step 210). The seller agent 56

waits at the seller site 40 until the designated auction time begins (Step 212), see col.6

lines 40-66).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OJO O. OYEBISI whose telephone number is (571)

272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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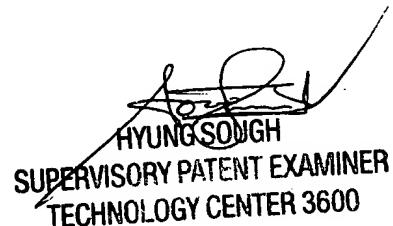
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